

1 BRIAN L. WILLIAMS, State Bar No. 227948  
*BWilliams@GGTrialLaw.com*  
2 DANIEL S. CHA, State Bar No. 260256  
*DCha@GGTrialLaw.com*  
3 EMILY N. ENGLER, State Bar No. 329264  
*EEngler@GGTrialLaw.com*  
4 **GREENBERG GROSS LLP**  
5 650 Town Center Drive, Suite 1700  
6 Costa Mesa, California 92626  
Telephone: (949) 383-2800  
Facsimile: (949) 383-2801  
7 MICHAEL RECK, State Bar No. 209895  
*MReck@AndersonAdvocates.com*  
8 HAGEREY MENGISTU, State Bar No. 290300  
*HMengistu@AndersonAdvocates.com*  
9 **JEFF ANDERSON & ASSOCIATES**  
10 12011 San Vicente Boulevard, Suite 700  
Los Angeles, California, 90049  
Telephone: (310) 357-2425  
Facsimile: (651) 297-6543  
11  
12 Attorneys for Plaintiffs Veronica Hernandez,  
R.H., and M.H.  
13  
14

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

16 VERONICA HERNANDEZ; R.H., a minor,  
17 by and through her Guardian *ad Litem*,  
VERONICA HERNANDEZ; and M.H., a  
18 minor, by and through her Guardian *ad Litem*,  
VERONICA HERNANDEZ,  
19  
20 Plaintiffs,

21 v.  
22 COUNTY OF FRESNO, a public entity;  
PROTEUS, INC. a corporation; DOE  
23 FRESNO COUNTY DEPARTMENT OF  
SOCIAL SERVICES SOCIAL WORKER, an  
individual; DOE FRESNO COUNTY  
24 DEPARTMENT OF SOCIAL SERVICES  
SUPERVISOR, an individual; and DOES 1-  
25 40, inclusive,

26 Defendants.  
27  
28

Case No. 1:22-CV-01145-ADA-EPG

**STIPULATION AND ORDER RE: FIRST  
AMENDED COMPLAINT AND  
DEFENDANTS' RESPONSE THERETO  
UNDER FED.R.CIV.P. 15(a)**

(ECF No. 20)

1 **STIPULATION**

2 This stipulation is entered into by and between Plaintiffs Veronica Hernandez, R.H. (by  
3 and through her guardian ad litem Veronica Hernandez), M.H. (by and through her guardian ad  
4 litem Veronica Hernandez), and Defendants County of Fresno and Proteus, Inc., by and through  
5 their respective counsel, as follows:

6 WHEREAS, Defendants' responses to Plaintiffs' Complaint is currently due February 6,  
7 2023;

8 WHEREAS, the Scheduling Conference is currently scheduled for February 22, 2023 at  
9 11:00 a.m.;

10 WHEREAS, pursuant to the court's November 30, 2022 order, the parties have obtained  
11 Fresno County Juvenile Court files related to Plaintiffs, and over two thousand pages of  
12 documents from the Fresno County Department of Social Services related to Plaintiffs;

13 WHEREAS, the parties have met and conferred regarding Defendants' potential Motions  
14 to Dismiss;

15 WHEREAS, Plaintiffs agreed to dismiss Defendant Proteus, Inc. from the Third Claim For  
16 Relief to correct an erroneous heading listing it as a defendant for that claim;

17 WHEREAS, based on the records received thus far, Plaintiffs have identified individual  
18 defendants to be named in place of several of the Doe Defendant designations;

19 WHEREAS, upon filing of an amended complaint, Defendants would have only 14 days to  
20 file their amended response;

21 WHEREAS, Defendants will require additional time to evaluate an amended complaint  
22 and potentially to further meet and confer with Plaintiffs regarding any potential motion to  
23 dismiss;

24 WHEREAS, pursuant to Federal Rule of Civil Procedure 15(a)(2)-(3), the parties may  
25 agree without further leave of court for Plaintiffs to file an amended complaint, but the parties  
26 require leave of court to change the time for Defendants to file a response thereto;

27 WHEREAS, Plaintiffs' amendment of the complaint and the extension of time for  
28 Defendants to file their response will not affect any other dates currently set by the court;

1 NOW THEREFORE, the parties hereby agree and stipulate as follows:

2 1. Pursuant to Federal Rule of Civil Procedure 15(a)(2), the parties agree and hereby  
3 consent in writing that Plaintiffs may and shall file a First Amended Complaint on or before  
4 February 17, 2023; and

5 2. The time for Defendants to file and serve their respective responses to the First  
6 Amended Complaint under Federal Rule of Civil Procedure 15(a)(3) shall be continued to March  
7 17, 2023.

8 DATED: February 3, 2023

GREENBERG GROSS LLP

9

10 By: /s/ Daniel S. Cha  
11 Brian L. Williams  
12 Daniel S. Cha  
13 Emily N. Engler  
14 Attorneys for Plaintiffs Veronica Hernandez, R.H.,  
15 and M.H.

16 DATED: February 3, 2023

17 McCORMICK, BARSTOW, SHEPPARD, WAYTE &  
18 CARRUTH LLP

19 DATED: February 3, 2023

20 HINSHAW & CULBERTSON LLP

21

22 By: /s/ Carla Meninsky (as authorized on  
23 2/3/2023)  
24 Bradley M. Zamczyk  
25 Brian S. Whittemore  
26 Carla Meninsky  
27 Attorneys for Defendant Proteus, Inc.

## ORDER

Based on the parties' stipulation (ECF No. 20), IT IS ORDERED as follows:

1. Plaintiffs shall file a First Amended Complaint on or before February 17, 2023; and
2. Defendants shall file and serve their respective responses to the First Amended Complaint on or before March 17, 2023.

Dated: **February 6, 2023**

/s/ Eric P. Gross  
UNITED STATES MAGISTRATE JUDGE